

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA, et al.,

No. C 05-4942 MEJ

Plaintiff(s),

**ORDER CONTINUING HEARING RE:
MOTION TO WITHDRAW AS
COUNSEL**

vs.

WHEAT LAND SURVEYING, INC., et al.,

**PRELIMINARY RULING RE: MOTION
TO WITHDRAW**

Defendant(s).

Pending before the Court is Gagen, McCoy, McMahon, Koss, Markowitz & Raines' Motion to be Relieved as Counsel for Defendants Wheat Land Surveying, Inc. and Robert Wheat. The Court hereby CONTINUES the hearing on counsel's motion to July 26, 2007 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Defendants shall file any opposition to counsel's motion by July 5, 2007, and counsel shall file any reply by July 12. Further, Defendant Robert Wheat shall personally attend the hearing, and Wheat Land Surveying shall also attend, either through Robert Wheat or another representative.

Upon preliminary review of counsel's motion, it appears that good cause exists to grant counsel's withdrawal based on Defendants' failure to pay attorneys' fees. Accordingly, if Robert Wheat and Wheat Land Surveying file an opposition, they shall address their failure to pay attorneys' fees. Further, the Court notes that Wheat Land Surveying is a corporation and cannot represent itself. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); Civil Local

1 Rule 3-9(b). Thus, should the Court grant counsel's motion, Wheat Land Surveying should be
2 prepared to file a substitution of counsel. Failure of any corporation to retain counsel may result in
3 the entry of default judgment against it.

4 **Gagen shall serve this Order upon Defendants by June 29, 2007.**

5 **IT IS SO ORDERED.**

6
7 Dated: June 26, 2007



MARIA-ELENA JAMES
United States Magistrate Judge